

NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

State Bar #CA 117234

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Attorneys for United States Trustee

Tracy Hope Davis

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:	)	Case no: BK-N-14-50333-BTB
	)	Chapter 11
ANTHONY THOMAS, and,	)	
WENDI THOMAS,	)	US TRUSTEE'S MOTION TO
	)	DESIGNATE CASE AS
	)	SMALL BUSINESS CASE
	)	
	)	Hearing Date: July 30, 2014
Debtors,	)	Hearing Time: 10:00 a.m.
	)	Est. Time Req.: 15 min.

The United States Trustee ("US Trustee"), hereby submits her Motion To Designate Case As Small Business Case ("Motion"), based upon 11 U.S.C. § 101(51)(C) and (D), and Federal Rules of Bankruptcy Procedure ("FRBP") 1020.

The US Trustee represents that:

1. The Debtors' aggregate debts are not more than \$2,490,925;
2. The US Trustee has not appointed an unsecured creditors committee; and
3. The Debtors' primary activity is not the business of owning or operating real property.

1 This Motion is based upon the following points and authorities, together with the entire  
 2 record in this case, of which the US Trustee respectfully requests the Court take judicial notice,  
 3 and such evidence as may be introduced at the hearing on this motion.

4 **POINTS AND AUTHORITIES**

5 Pursuant to 28 U.S.C. § 586(a)(3), the US Trustee is charged with supervising the  
 6 administration of cases and trustees under the Bankruptcy Code. To enable the US Trustee to  
 7 carry out that duty, Congress has granted the US Trustee standing to raise and to “appear and be  
 8 heard on any issue in any case or proceeding” brought under the Bankruptcy Code. 11 U.S.C. §  
 9 307. Pursuant to 28 U.S.C. § 586(a)(7), the US Trustee is instructed to review and monitor  
 10 diligently small business cases.

11 **A. Statement of Facts:**

12 1. The Debtors filed voluntary bankruptcy under chapter 11 on March 4, 2014.  
 13 Docket #1.

14 2. The Debtors’ Summary Of Schedules lists their total debt at \$1,262,568.94.  
 15 Docket #1, pg. 14.

16 3. The Debtors’ Schedule I states they have \$0.00 income. Docket #1, pgs. 28-29.

17 4. The Debtors’ affiliate case, At Emerald, LLC, BK-N-14-50331-btb has total debt  
 18 of \$541,200. Case No. 14-50331-btb, Docket #1, pg. 6.

19 5. The US Trustee has not appointed an unsecured creditors committee.

20 6. The 341 Hearing was concluded on March 31, 2014.

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**CONCLUSION**

WHEREFORE, for all the reasons stated above, the US Trustee respectfully requests the Court grant the US Trustee's Motion, order this case to be designated as a small business case, and grant such other relief as the Court deems proper.

DATED this 30th day of April, 2014.

Respectfully submitted,

Nicholas Strozza  
State Bar # CA 117234  
William B. Cossitt  
State Bar #3484  
300 Booth Street, #3009  
Reno NV 89509  
(775) 784-5335

/s/ WILLIAM B. COSSITT

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Attorneys for United States Trustee  
Tracy Hope Davis

**CERTIFICATE OF SERVICE**

1. On April 30, 2014, I served the foregoing US TRUSTEES MOTION TO DESIGNATE CASE AS A SMALL BUSINESS CASE

2. I served the above-named document( by the following means to the persons as listed below:

☒ a. ECF System:

- KEVIN A. DARBY kevin@darbylawpractice.com, alecia@darbylawpractice.com;sarah@darbylawpractice.com;itati@darbylawpractice.com;tricia@darbylawpractice.com
- STEFANIE T. SHARP ssharp@rbsllaw.com, btaylor@rbsllaw.com;czaehringer@rbsllaw.com
- ALAN R SMITH mail@asmithlaw.com
- U.S. TRUSTEE - RN - 11 USTPRegion17.RE.ECF@usdoj.gov

☒ b. U.S. Mail, postage fully prepaid (list persons and addresses):

ANTHONY THOMAS  
WENDI THOMAS  
7725 PEAVINE PEAK COURT  
RENO, NV 89523

I declare under penalty of perjury that the foregoing is true and correct.

Signed: April 30, 2014.

/s/ Robbin Little  
ROBBIN LITTLE